HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.22052 of 2006

Dated:26.10.2006

Between:

Shaik Abdul Mazeed.

…Petitioners

and

The Sub-Registrar and another.

…Respondent

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.22052 of 2006

ORDER:

The petitioner statedly purchased agricultural land admeasuring Ac.0.03 cents in Survey No.64/B1, B2 in 14th Ward of Kadapa Town, Kadapa Sub Division from one P.Mehaboob Khan for valid sale consideration. The petitioner along with his vendor approached the first respondent for registration of the sale deed and also paid necessary stamp duty and registration charges. It is alleged that the first respondent refused to register the document presented by the petitioner. On enquiry the petitioner was informed that the first respondent was doing so as per the communication of the Mandal Revenue Officer advising the first respondent not to register any document pertaining to the land in question as the said land is classified in the Government records as water spread area. Aggrieved by the same, the present writ petition is filed.

Heard learned Counsel for the petitioner and learned Assistant Government Pleader for Revenue (General). It is no doubt true that when a document is presented, it is incumbent on the part of the Registering Officer to examine the same with reference to Sections 31 to 36 of the Registration Act, 1908 (the Act, for brevity) and/or Rules 26

and 58 of the Andhra Pradesh Rules under the Act. This aspect of the matter was considered by my learned brother Hon'ble Sri Justice A.Gopal Reddy in W.P.No.15199 of 2004, dated 01.09.2004.

Following the above, this writ petition is disposed of directing the first respondent or any other Registering Officer to accept the document presented by the petitioner and consider for registration. Be it noted, if for any reason, the document presented is not registered, it is incumbent on the part of the Registering Officer to record and furnish reasons under Section 71 of the Act. In case the Government claims title over the land, it is open to the Government to seek appropriate remedies available in law as well as under the Andhra Pradesh Land Encroachment Act, 1905, or the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982. No costs.

_____

(V.V.S.RAO, J)

26.10.2006

Note: Issue C.C in one week.

B/o.

vs